



MEMORANDUM

TO: Select Board

FROM: John C. Curran, Town Manager

CC: Clancy Main, Assistant Town Manager
Robert Maynard, Director of Administrative Services

SUBJECT: Town Manager's Report, April 22, 2024

DATE: April 19, 2024

Professional Recognition / Flushing Program

On April 16th the Water Department began their flushing program in West Billerica, Treble Cove Road area of Town. Notices were posted online, in the neighborhood, and a CodeRed call went out to affected residents. The Water Department will be flushing this area of Town for two weeks before moving on to somewhere else.

I also want to recognize Water Superintendent Todd Melanson and his crews for all their hard work. Todd did home visit on Wednesday night during the flushing for residents who had complained about brown water to go over the importance of flushing the system, what causes brown water, and how to alleviate the issue in their home. On a future agenda, I would like to have Todd and Fred Russel and his team come before the Board and go over the flushing program and what has changed from past flushings.

Flushing:

Todd Melanson: Water Superintendent
Chris Zechner: Distribution Supervisor
Micheal Haines Jr: Distribution Foreman
Matt Casey: Distribution Operator
Danny Donovan: Distribution Operator
David Crusco: Distribution Operator
Joshua Dempsey: Meter Technician

Riley Gould: Treatment Operator
Bryce Howard: Meter Technician

Phones:

Plant Operators:
Bill Doherty: 2nd Shift 3pm-11pm
Sean Thorne: 3rd shift 11pm-7am

Emergency Relief Money

At the last Select Board meeting the Board inquired if the Emergency Relief Money could be allocated directly to residents who suffered damage during the August flood events. The Town spoke with Chief financial Officer for the Executive Office of Administration and Finance, Rick Mikulis, after speaking with him about the language of the act we learned that relief money could be allocated to residents. The below language was taken directly from Chapter 77 of the Acts of 2023;

1599-2303 For a reserve to provide extraordinary relief and support mitigation costs associated with storms and natural disasters that impacted municipalities throughout the

commonwealth in 2023; provided, that funds in this item shall provide direct assistance and relief to impacted municipalities with costs related to damage caused by said storms and natural disasters; provided further, that municipalities may expend funds received under this item, in coordination with local emergency relief organizations, to assist populations affected by said storms and natural disasters; provided further, that efforts shall be made to maximize available federal reimbursement for the purposes of this item; provided further, that funds in this item shall be administered by the executive office for administration and finance; and provided further, that not less than 15 days in advance of distribution, the secretary of administration and finance shall file a distribution plan along with a detailed description of the qualifying expenses for which municipalities will be reimbursed with the house and senate committees on ways and means.....\$15,000,000

The intent for the money was to aid municipalities, however, it was structured like a grant and A&F did concur that it could be given directly to residence as long as it was done *in coordination with local emergency relief organizations*. The exact definition of a “local emergency relief organization” was not entirely clear. I explained the structure of a program we were considering, and he seemed to think that it would meet the standard.

Back in September 155 residents submitted damages from the flood events to the Town totaling close to \$2.8 Million. The relief money is roughly \$240,000. We went through the exercise of finding the percentage of each resident’s claim out of \$2.8 Million and assigned that same percentage to the \$240,000

I would propose the following: It would be prudent to have an independent ombudsman or public adjuster to handle the distribution of these funds. The Town has contacted our insurance provider, MIAA, to see if they could assist in distributing the funds. Based on the claims projections that were submitted last year, the average claim is \$2,500. Accordingly, the Town would reimburse claims up to \$2,500 of residents that had submitted an original claims projection back in August of 2023 and could produce proof (receipts) of work done as a result of the events in August of 2023. If an individual did not submit an estimated claim back in 2023 he or she could still submit a claim up to \$2,500 as long as they can provide evidence that they submitted a rejected claim to their insurance company. The money will be disseminated on a first come first serve basis until it is depleted.

Please let me know how you would like to proceed.

Tree Seedling Giveaway

In honor of Arbor Day and Earth Day, the Town purchased 400 tree seedlings of various species to give away to residents for planting in their own yards. The four species are:

- 1) Douglas Fir Lincoln
- 2) Tulip Poplar
- 3) Eastern Redbud
- 4) Lilac

Within one week of posting about this opportunity on social media the Town was sold out! We will be looking into this program again for next year. Pick-up will occur on Saturday, April 27th, between 10am and 2pm in the Town Hall parking lot. Thank you to our Senior Planner Katherine Malgeri and Select Board member Mike Rosa for bringing this opportunity to the Town.

Calabrese Stadium Bleachers

The bleaches and press box have been removed from Calabrese Stadium. The Parks Department will be putting down some loom and grass seed where the bleachers were over the coming weeks.

IAGB Wellness Fair

In collaboration with the India Association of Greater Boston (IAGB) the Town is hosting a New England

Seniors Expo on April 28th, 2024, from 12PM – 5PM in front of Town Hall. Join us for exhibits, activities, workshops, entertainment, and of course food trucks! This is a free event for seniors, families, caregivers, and soon to be seniors.

Groundwater Tables

There is some interesting correlation between this data and the anecdotal experiences we saw over the past year. August and December were undisputedly the months we received the most complaints about flooding. This data shows that these months were outliers compared to historic seasonal trends. The United States Geological Survey (USGS) agency has a tool, the National Water Information System (NWIS) which contains extensive water data for the nation. The Groundwater database consists of more than 850,000 records of wells, springs, test holes, tunnels, drains, and excavations in the United States. Below are the three gauges nearest to Billerica. The blue line represents the current readings, and the grey line is the seasonal historical median.

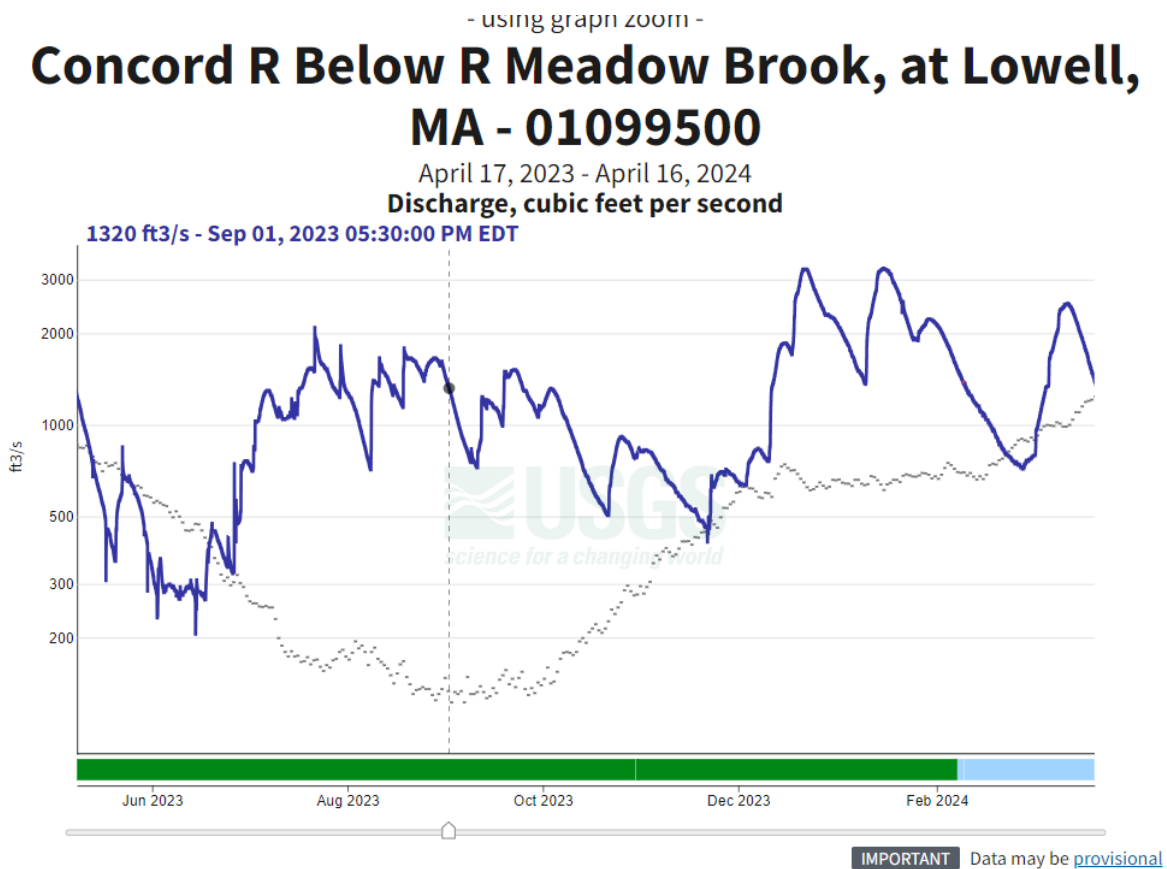
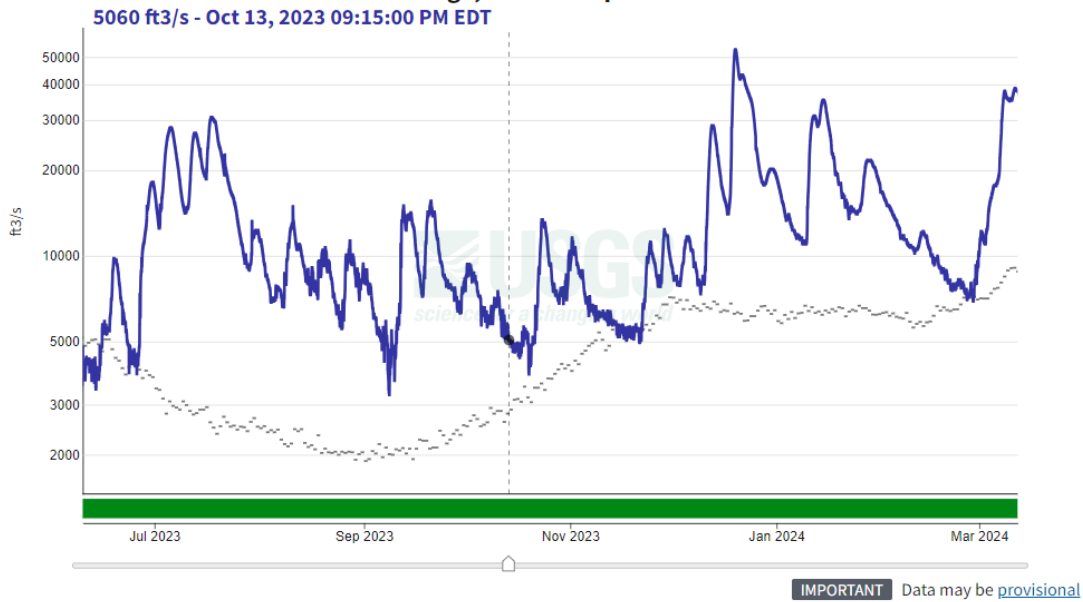


Figure 1

- using graph zoom -

Merrimack River BL Concord River at Lowell, MA - 01100000

April 17, 2023 - April 16, 2024
Discharge, cubic feet per second



Discharge, cubic feet per second

Figure 2

Shawsheen River Near Wilmington, MA - 01100600

April 17, 2023 - April 16, 2024
Discharge, cubic feet per second

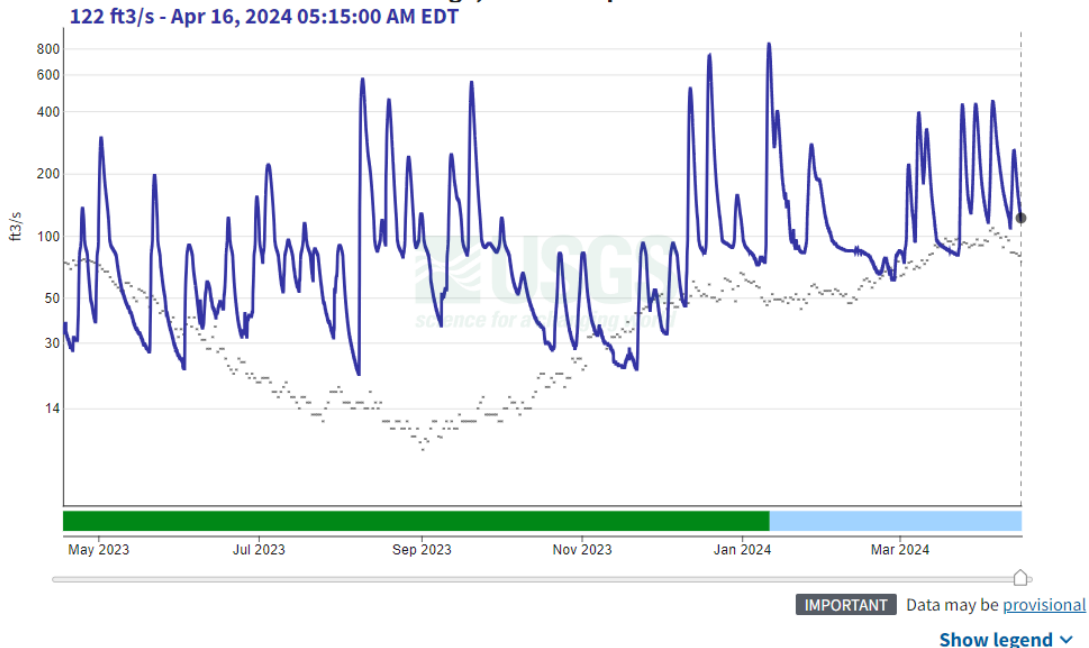


Figure 3

As you can see from the data it is evident that all three are above normal flows and higher than the historical flows. Moreover, groundwater is at one of the highest levels ever since the USGS started observing and recording data resulting in flooding and the water issues we've see around the Town.

Water Meter Invoices

The Town authorized \$4 Million at the Spring Town Meeting of 2017 through Article 25. The Town bid the work out in two separate contracts. One to purchase the meters and the other to install the meters.

Company	Description	Bid Cost	Actual Cost
WMS et al.	Installation	\$ 1,090,157	\$ 1,107,555
Styles	Purchase of Meters	2,891,048	2,891,048
Other		18,795	1,397
Total		\$ 4,000,000	\$ 4,000,000

It was known at the time that this would not be sufficient to cover all the residential meters in town. A change order would be necessary. However, the COVID Pandemic caused this project to be delayed for several years. The original bid covered approximately 13,785 meters the new warrant article will cover the remaining 620 meters as explained in the table note below.

Description	Amount
# of Meters Bid 2017	13,785
# of Meters current 2024	14,931
Difference	<u>1,146</u>

There are 1146 meters not covered by the original contract. 526 meters were either new home construction or secondary meters. The remaining 620 are the meters that need to be replaced that were not covered in the original contract

Shawsheen Article for Stabilization Fund

Select Board Member Dina Favreau had two questions. The first was a concern that the legal opinion in the warrant was not complete because it did not address the combined equalized valuation. She stated,

“We need some clarification from Town Council because the way the statute reads, “the aggregate amount in the fund at any time shall not exceed 5% of the combined valuation of the member municipalities” so I don’t know that it would be full five percent for Billerica I think it would be a prorata share of all municipalities and counsel didn’t speak to that in his opinion.”

Section 2-12J defines the responsibilities of Town Council as it pertains to the Town Warrant as follows:

(j) Town Counsel Reviews – Forthwith following the date on which any article to be included in a warrant for any town meeting has been received by the board of selectmen, and after the names of voters contained on any petition for inclusion of a subject on the said warrant, in conformity with section 2-12, (b), (3), have been certified by the board of registrars of voters, a copy of the said article shall be delivered to the town council. Within five days following the date any proposed warrant articles are submitted to him, the town council shall make a preliminary review of the subject matter of each such proposed article for the purpose of determining if each such measure may validly be adopted by the representative town meeting, both in terms of its content and its form and including notation of any special requirements relating to valid action on such subject matter by reason of public hearings, special votes or otherwise. A written copy of the preliminary opinion of the town council, as aforesaid, shall be delivered to the person or agency having submitted each article in the warrant as it relates to said article. Not less than fourteen days prior to the date on which the representative town meeting is scheduled to act upon the warrant, the town council shall submit a legal opinion, in such detail as may be individually appropriate, for each article contained in the warrant.

I believe the legal opinion for Article 29 did satisfy this requirement. However, I did ask Town

Counsel to elaborate further on his legal opinion with particular focus on the combined equalized valuation portion of the statute and also Select Board Member Favreau’s second statement that the statute stated it required a 2/3 vote. He opined as follows:

As noted in my opinion included in the comments on the Preliminary Town Meeting Warrant, the provisions of G.L. c. 71, sec. 16G1/2 state in pertinent part, “A regional school district may, upon a majority vote of all the members of the regional district school committee and, with the approval of a majority of the local appropriating authorities of the member municipalities, establish a stabilization fund....”

Thus, a majority of all members of the District School Committee, and not just those present and voting, must vote in favor of creation of the stabilization fund and a majority of the appropriating authorities of the member municipalities would need to approve the creation of the stabilization fund. Unlike what is found in G.L. c. 40, c. 5B, there is no requirement for a two-thirds majority vote to authorize a regional school district. The statute states further, that the District, upon authorization of the stabilization fund, “may in any year, include in its annual budget for deposit in the stabilization fund an amount not exceeding five per cent of the aggregate amount apportioned to the member municipalities for the preceding fiscal year or such larger amount as may be approved by the commissioner of elementary and secondary education. The aggregate amount in the fund at any time shall not exceed five per cent of the combined equalized valuations of the member municipalities. Any interest shall be added to and become a part of the fund.” The reference to a 5% valuation is in regard to the combined equalized valuations of the member municipalities as seen in this table.

Municipality	2020	2022	5% of Values
Bedford	4,399,434,500	4,632,427,000	231,621,350.00
Billerica	7,998,669,600	9,046,472,000	452,323,600.00
Burlington	8,100,649,200	9,008,541,100	450,427,055.00
Tewksbury	5,637,921,800	6,249,555,900	312,477,795.00
Wilmington	5,340,168,500	5,921,026,600	296,051,330.00
Total		34,858,022,600	1,742,901,130.00

I note that the explanation for this article was not completed. The explanation is not part of the article itself and is not subject to Town Counsel review. I have also included a table above with the total valuations and five percent of that number is. As you can see Billerica alone is four hundred and fifty two million.

Preservation Massachusetts – Mayor Thomas M. Menino Legacy Award

The Town found out Thursday afternoon the Howe School project was awarded the Mayor Thomas M. Menino Legacy Award from Preservation Massachusetts.

The Mayor Thomas M. Menino Legacy Award celebrates projects that are transformative, catalytic, embrace the community, create partnerships, and revitalize the best of the past to make something good for the future.

When I find out more information about the award I will let the Board know.